

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 15-1325 DSF (PLAx)

Date 05/11/15

Title Michael Cohen v. S/V Bird of Paradise, et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order to Show Cause

On May 7, 2015, Plaintiff's counsel filed a document titled Notice of Unavailability of Counsel. This Court's Standing Order, filed in this case on February 25, 2015, provides:

20. "Notice of Unavailability"

While the Court expects that counsel will conduct themselves appropriately and will not deliberately schedule Court or other proceedings when opposing counsel are unavailable, a "Notice of Unavailability" has no force or effect in this Court. Such documents should not be filed.

The filing of the Notice of Unavailability violates this Court's Standing Order. To the extent the Notice was meant to communicate with the Court, it is inappropriate. Counsel lacks the authority to usurp the Court's control of its own docket. If anyone were subject to being sanctioned based on the "Notice of Unavailability," it would be Plaintiff for filing a document that has no legal basis. To the extent the Notice is meant to communicate with opposing counsel, it should not have been filed with the Court. The Court expects that all counsel will act professionally when scheduling depositions, hearings, etc.

Moreover, it is entirely inappropriate for counsel to suggest that this Court would

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impose sanctions under these circumstances.

Counsel is ordered to show cause in writing no later than May 18, 2015 why he should not be sanctioned in the amount of \$250 payable to the Clerk of the Court for violation of this Court's Standing Order. The Court will advise the parties if a hearing is to be held. Payment of \$250 to the Clerk of the Court by May 18, 2015 will be a sufficient response to this Order to Show Cause.

IT IS SO ORDERED.